

**Calaveras Superior Court**  
**Civil Law & Motion Tentative Rulings**  
**Friday, September 4, 2020**  
**Hon. David M. Sanders, Courtroom #2**

9:00 AM	16CF11910	Motion to Set Aside Notice of Settlement/ Reset for Court Trial	11/16/2016	12/09/2020	OSC re Dismissal
Ptff/Pet:	Capital One Bank (USA) N.A.		Atty:	Moore Law Group	
Def/Res:	Wilmot, Brian D		Atty:	Pro Se	

Tentative Ruling: On January 26, 2018, the parties signed a stipulation for settlement and suspension of monitoring/dismissal of action without prejudice. On February 16, 2018, plaintiff filed a notice of settlement of entire case. On June 30, 2020, plaintiff filed this motion.

(Plaintiff has not complied with Local Rule 3.3.7 enacted January 1, 2018, by failing to include the mandatory language in the notice of motion regarding the Court's tentative ruling system. Pursuant to said local rule, lack of compliance provides a specific ground to deny any such procedurally deficient motion. Based solely upon plaintiff's failure to comply with Local Rule 3.3.7, the Motion would be DENIED without prejudice. However, in the interests of justice and judicial economy, the Court reaches the merits of the motion.)

Paragraph 5 of the stipulation provides that judgment is to be entered in favor of plaintiff in the event defendant defaults on the monthly payments. Since this remedy is available to plaintiff and provides a preferable mechanism to keep the settlement agreement in full force and effect, plaintiff's motion is DENIED. However, based on counsel's declaration that defendant has defaulted and noting the lack of objection or contrary evidence by defendant, the Court is prepared to sign a formal judgment upon submittal by plaintiff.

The clerk shall provide notice of this ruling to the parties forthwith. No further formal Order is required.

9:00 AM	17CF12166	Motion to Enter Judgment pursuant to Stipulation	09/18/2017	03/01/2023	OSC re Dismissal
Ptff/Pet:	Citibank Na		Atty:	Moore Law Group	
Def/Res:	Maine, Allen L		Atty:	Pro Se	

Tentative Ruling: On February 6, 2019, the parties signed a stipulation for settlement and suspension of monitoring/ dismissal of action without prejudice. On May 28, 2019, plaintiff filed a notice of settlement of entire case. On June 30, 2020, plaintiff filed this motion.

(Plaintiff has not complied with Local Rule 3.3.7 enacted January 1, 2018, by failing to include the mandatory language in the notice of motion regarding the Court's tentative ruling system. Pursuant to said local rule, lack of compliance provides a specific ground to deny any such procedurally deficient motion. Based solely upon plaintiff's failure to comply with Local Rule 3.3.7, the Motion would be DENIED without prejudice. However, in the interests of justice and judicial economy, the Court reaches the merits of the motion.)

Paragraph 5 of the stipulation provides that judgment is to be entered in favor of plaintiff in the event defendant defaults on the monthly payments. Based on counsel's declaration that defendant has defaulted and noting the lack of any objection or contrary evidence by defendant, plaintiff's motion is GRANTED, and judgment shall be entered for plaintiff in the amount of \$14,059.98. (\$15732.98 in principal, plus \$435 court costs minus \$2108 in credits.)

The clerk shall provide notice of this ruling to the parties forthwith. The Court will sign the submitted proposed Order but will change the heading to "JUDGMENT".

9:00 AM	20CV44604	Motion by Def to Compel Ptff's further Responses to written discovery requests and Request for Sanctions	02/24/2020	10/09/2020	Motion Hearing
				10/14/2020	Case Management Conference
Ptff/Pet:	Ratkovich, Nathaniel		Atty:	Dreyer Babich Buccola Wood Campora LLP	
Def/Res:	Bouncin Bins Rentals LLC; Bret Harte Grad Night Committee		Atty:		

Tentative Ruling: On May 18, 2020, defendant Bret Harte Union High School District ("District") propounded discovery on plaintiff including Special Interrogatories, Set One. Plaintiff timely responded on June 19, 2020. On June 26, 2020, District served a meet and confer letter. In response to the letter, plaintiff amended his responses. On August 3, 2020, defendant District timely filed this Motion to Compel Further Responses to Special Interrogatories Nos. 12, 13, and 19.

Plaintiff alleges District failed to meet and confer and therefore did not comply with CCP §2030.300(b). However, defendant District did send the original meet and confer letter. Additionally, the meet and confer code section is explicitly toothless as to any remedy for shortcomings. Therefore, in the interest of justice and judicial economy, the Court will address the merits of District's motion.

The responding party must give an answer to each interrogatory that is as complete and straightforward as possible. (Scheiding v Dinwiddle Constr. Co (1999) 69 Cal.App.4th 64, 76.) If the responding party cannot answer an interrogatory completely, the party must give the most complete partial answer possible. (CCP §2030.220(b).)

A party can respond to an interrogatory by stating it cannot answer the interrogatory because it does not have sufficient knowledge. CCP 2030.220(c). Pursuant to CCP 2030.220(c), a party denying the ability to answer because of a lack of knowledge must state the following: insufficient personal knowledge and that reasonable and good-faith efforts to obtain the requested information from other sources, and details as to the party's good-faith attempts to obtain the information should be included. Additionally, the responding party has the option to answer an interrogatory by identifying and producing documents containing the requested information, instead of producing the information in the answer itself. (CCP §2030.230.)

Plaintiff responded to the special interrogatories "without full knowledge of the facts"; yet failed to comply with the cited provisions of CCP §2030.220. Plaintiff just copied the allegations from the complaint. Therefore, the Court finds plaintiff did not answer each interrogatory as completely and straightforwardly as possible. Additionally, as the amended responses were not verified, they are tantamount to no further response for purposes of a motion to compel a response under CCP §2030.290(b). Based on the foregoing, District's motion is GRANTED. Plaintiff is ordered to provide further verified written answers, without objection, to defendant District's Special Interrogatories, Set One, Nos. 12, 13, and 19, by September 14, 2020.

District also requests sanctions for \$1380. "The notice of motion shall be supported by a memorandum of points and authorities, and accompanied by a declaration setting forth facts support in the amount of any monetary sanction sought." (CCP §2023.040.) District has complied with the requirements; however, while the Court finds the attorneys' hourly rates are eminently reasonable, discretion is exercised to limit the awarded sanctions to the \$60 filing fee and 2 hours of associate time for preparation of what is a fairly routine motion, and therefore District's motion for sanctions is GRANTED in the amount of \$460.

The clerk shall provide notice of this ruling to the parties forthwith. District to submit a formal Order pursuant to rule 3.1312 in compliance with this ruling.